

April 21, 2023

VIA ECF

The Hon. Lorna G. Schofield
Southern District of New York
500 Pearl Street
New York, New York 10007

The parties shall meet and confer regarding the civil penalties Plaintiff intends to seek and the potential discovery that may be needed to resolve the issue of penalties. The parties shall file a further status letter by **May 5, 2023**, stating whether they anticipate needing targeted discovery as described in the endorsed letter. All necessary discovery shall take place prior to the filing of any application for civil penalties. The parties are apprised that the briefing schedule will likely be shorter than the one they propose. The parties may include a statement in the May 5 status letter explaining the need for the time periods they request. So Ordered.

Re: SEC v. Klein, et al., 1:22-cv-06426-LGS Dated: April 24, 2023

Dear Judge Schofield:



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Pursuant to this Court's Memo Endorsement, ECF No. 38, Plaintiff Securities and Exchange Commission ("SEC") and Defendants Eduardo Rubinstein and Mark Klein submit this joint letter proposing a schedule for the resolution of the amounts of civil penalties in this case.

The parties have agreed upon and propose the following deadlines for the filing of briefs from Plaintiff and Defendants arguing the appropriate amounts of civil penalties, assuming discovery is not deemed necessary:

- SEC Motion/Opening Brief: May 19, 2023;
- Defendants' Response Briefs: June 30, 2023;
- SEC Reply Brief: July 21, 2023.

However, if discovery is deemed necessary by a party after the filing of Opening and/or Response briefs because factual issues are raised outside the Complaint and public record, the parties will so advise the Court and will propose an amended schedule to allow the parties to obtain, in advance of filing any supplemental briefing, targeted discovery concerning the factual issue(s) raised. For example, were a Defendant to claim he is unable to pay the civil penalty amounts requested by the SEC, the SEC will take targeted discovery on the claim(s) prior to filing its reply brief.

Respectfully submitted,

s/ Brendan White
Brendan White
Anthony DiPietro

s/ Joseph Bondy
Joseph A. Bondy

s/ Mark Williams
Ian Kellogg
Mark Williams

*Attorneys for Defendant Mark
Klein*

*Attorneys for Defendant
Eduardo Rubinstein*

*Attorneys for Plaintiff
Securities and Exchange
Commission*